

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

GRANT HOUWMAN,	)	CIV. 10-4125-KES
	)	
Plaintiff,	)	
	)	
vs.	)	SCHEDULING ORDER
	)	
JON GAISER,	)	
	)	
Defendant.	)	

Counsel for the parties have held a planning meeting in compliance with Fed. R. Civ. P. 26(f) and submitted a report thereon. Now, therefore,

IT IS ORDERED THAT:

1. Local Rules of Practice of the court will apply where not inconsistent with the Federal Rules of Civil Procedure.
2. All prediscovery disclosures required by Rule 26(a)(1) will be exchanged by the parties, but not filed with the court, on or before **November 30, 2010**.
3. The parties will have until **January 3, 2011**, to move to join additional parties and to amend the pleadings.
4. All discovery, including expert discovery, will be commenced in time to be completed by **April 12, 2011**. A maximum of 25 interrogatories by each party will be allowed, and responses thereto will be due thirty

days after service. Discovery responses must be supplemented as additional information becomes available. Any evidence responsive to a discovery request which has not been disclosed on or before that date, except for good cause shown, will be excluded from evidence at trial. Disputes with regard to discovery will be called immediately to the court's attention by the making of an appropriate motion and will not be relied upon by any party as a justification for not adhering to this pretrial schedule.

5. Motions to compel discovery will be filed no later than ten working days after the subject matter of the motion arises. Motions to compel discovery will not be filed until the parties have complied with D.S.D. LR 37.1.
6. There will be a maximum of ten depositions for each party, excluding depositions of experts. Depositions will be limited to seven hours.
7. The identity of and reports from retained experts under Rule 26(a)(2) will be due from plaintiff by **February 14, 2011**, and from defendant by **March 14, 2011**; any supplementations thereto under Rule 26(e) will be due twenty days prior to trial. Disclosures and reports under Rule 26(a)(2) are not filed with the Clerk. Any expert not so designated will not be permitted to testify at trial.

8. Each party's disclosure will identify each expert and state the subject matter on which the expert is expected to testify. The disclosure will be accompanied by a written report prepared and signed by the witness. As required by Fed. R. Civ. P. 26(a)(2)(B), the report will contain:
  - a. The qualifications of the witness, including a list of all publications authored by the witness within the preceding ten years;
  - b. The compensation to be paid for the study and testimony;
  - c. A listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years;
  - d. A complete statement of all opinions to be expressed and the basis and reasons therefor;
  - e. The data or other information considered by the witness in forming the opinions; and
  - f. Any exhibits to be used as a summary of or support for the opinions.
9. All motions, other than motions in limine, together with supporting briefs, will be filed and served on or before **May 16, 2011**. Opposing parties will file and serve answering materials and briefs within twenty days. Reply briefs will be filed and served within ten days.
10. The parties will promptly contact a magistrate judge so that the possibility of settlement discussion with the assistance of a magistrate judge can be pursued.

11. The schedule herein may be modified by the court only upon formal motion and upon a showing of good cause.

Dated November 16, 2010.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER  
CHIEF JUDGE